



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Andorra

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

81222

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	340496000
Regional / entity level	

3) Per capita GDP (in €)

29621,00

4) Average gross annual salary (in €)

20424,00

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

Please indicate the sources for the questions 1 to 4

1. 2. Budgetary data concerning judicial system

1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

5941464,33

7) Please specify

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	4918539,42
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input type="checkbox"/> Yes	
Annual public budget allocated to justice	<input type="checkbox"/> Yes	

expenses

Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	469420,52
Annual public budget allocated to investments in new (court) buildings	<input type="checkbox"/> Yes	
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	20850,00
Other (please specify):	<input type="checkbox"/> Yes	

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

Yes

No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

2002----- 4.445.967,69
 2003-----4.503.464,19
 2004-----4.874.161,65
 2005-----5.366.840,62
 2006-----5.941.464,33

10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

for criminal cases?

for other than criminal cases?

If yes, are there exceptions? Please specify:

En matière civile, il existe une loi de taxes qui fixe le montant en fonction de la matière à traiter.

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)

12) Total annual approved budget allocated to the whole justice system (in €)

13) Total annual approved public budget allocated to legal aid (in €)

300000,00

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount		

15) Is the public budget allocated to legal aid included in the court budget ? Yes No**16) Total annual approved public budget allocated to the public prosecution system (in €)**

544857,76

17) Is the budget allocated to the public prosecution included in the court budget? Yes No**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judicial Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

L'article 36 de la loi qualifiée de la justice (LQJ) c'est à partir des propositions budgétaires annuelles qui lui seront adressées par tous les présidents de juridiction que le Conseil Supérieur de la justice élaborera un projet de budget global de fonctionnement de l'administration de la justice et dans les délais prévus par la Loi générale des finances publiques, il le transmettra ensuite au gouvernement, ou au ministère cométant d'accord avec la Constitution. Selon un arrêt du Tribunal Constitutionnel du 16 décembre 1994 "le législateur... n'a pas voulu attribué au Conseil Supérieur de la Justice ni l'exécution ni la gestion du budget de la justice qui appartient au gouvernement".

L'adoption du budget incombe au Parlement

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your budgetary system and the main reforms that have been implemented over the last two years**
- **if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process**

Please indicate the sources for the questions 6, 7, 13 et 16

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

21) If other, please specify (in regards to question 20):

22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes
 No

If yes, please specify:

La loi de taxe prévoit que le bénéficiaire de l'aide judiciaire ne paie pas les dépens.

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes
 No

If yes, please specify:

En Andorre, l'exécution est faite par le juge en liaison avec l'avocat d'office.

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	s/chiffre
Criminal cases	
Other than criminal cases	

25) In a criminal case, can any individual who does not have sufficient financial means be assisted by

a free of charge (or financed by public budget) lawyer?

- Yes
- No

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?		X	
for other than criminal cases?		X	

27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

- Yes
- No

28) If yes, is the decision for granting or refusing legal aid taken by:

- the court?
- an authority external to the court?
- a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
- No

Please specify:

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

	yes	no
criminal cases?		

	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

La décision judiciaire détermine laquelle des parties devra payer les dépens et frais judiciaires ou établir une spéciale condamnation aux frais ou même peut déclarer les frais d'office.

En matière pénale: le bénéfice de la justice gratuite se trouve réglé dans le règlement qui régle le bénéfice de la justice gratuite en matière pénale du 1 mars 2000 (BOPA 11/2000) et dans le règlement d'assistance juridique d'office devant l'autorité judiciaire et devant les services de police.

En matière civile ou autre: ce sont les articles 99 de la LOJ et 100 de la Loi Transitoire des procédures judiciaires (LTPJ) qui le prévoient.

Please indicate the sources for the questions 24 and 26

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to (Please specify the Internet addresses):

- | | | |
|--|---|-----------------|
| legal texts (e.g. codes, laws, regulations, etc.)? | <input checked="" type="checkbox"/> yes | www.bopa.ad |
| case-law of the higher court/s? | <input checked="" type="checkbox"/> yes | www.justicia.ad |
| other documents (for example forms)? | <input type="checkbox"/> yes | |

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- Yes
 No

If yes, please specify:

33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

- Yes

No

If yes, please specify:

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35) Does your country have a compensation procedure for victims of crimes?

Yes

No

36) If yes, does this compensation procedure consist in:

a public fund?

a court decision?

private fund?

If yes, which kind of cases does this procedure concern?

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- Yes
 No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- Yes
 No

If yes, please specify:

Le code de procédure pénale prévoit notamment que le Procureur doit exercer l'action civile quand la victime ne s'est pas constituée ou a renoncé à son action.

39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?

- Yes
 No

If yes, please specify:

Le code de procédure pénale andrran ne permet pas le classement sans suite d'une affaire par le Procureur . Pas d'opportunité des poursuites dans ce modèle. Toutefois chaque victime a la possibilité de saisir directement le juge.

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

If yes, please specify (fund, daily tariff):

Article 10 de la LQJ (procédure sur le mauvais fonctionnement de la justice ou pour erreur judiciaire en responsabilité de l'état.)

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

Aucune enquête d'aucun type.

42) If yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input type="checkbox"/>
Surveys at court level	<input type="checkbox"/>	<input type="checkbox"/>

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?

- Yes
 No

44) If yes, please specify:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Higher court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>
High Council of the Judiciary	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Can you give information elements concerning the efficiency of this complaint procedure?

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)

	Total number
First instance courts of general jurisdiction (legal entities)	1
Specialised first instance courts (legal entities)	0
All the courts (geographic locations)	1

46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

En Andorre il n'existe qu'un Tribunal de première Instance qui s'appelle la Batllia. Dans cette juridiction il existe une chambre civile, une chambre pénale, une chambre administrative, une chambre des mineurs et finalement une chambre spéciale à l'instruction.

47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

Yes

No

If yes, please specify:

48) Number of first instance courts competent for a case concerning:

	Number
a debt collection for small claims	1
a dismissal	1
a robbery	1

Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):

Please indicate the sources for the question 45

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)

22

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	2
if possible, in full time equivalent	

51) Please specify (answer only if the information has changed compared to the previous evaluation round):

52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):

0

53) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

55) Number of non-judge staff who are working in courts (present the information in full time equivalent and for permanent posts)

56) If possible, could you distribute this staff according to the 4 following categories:

- | | | |
|---|---|----|
| non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal | <input type="checkbox"/> Yes | |
| non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars | <input checked="" type="checkbox"/> Yes | 79 |
| staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) | <input checked="" type="checkbox"/> Yes | 22 |
| technical staff | <input type="checkbox"/> Yes | |

Please indicate the sources for the questions 49, 50, 52, 53 and 55

Conseil Supérieur de la Justice

3. 1. 3. Prosecutors

57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)

4

58) Do any other persons have similar duties as public prosecutors?

- Yes
 No

If yes, please specify:

59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)

Please indicate the sources for the questions 57 and 59

Conseil Supérieur de la Justice

3. 1. 4. Budget and New technologies

60) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Court administrative director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

61) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

63) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

64) For the communication between the court and the parties, what are the computer facilities used within the courts?

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Electronic web forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Special Website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other electronic communication facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

- Yes
 No

If yes, please specify the name and the address of this institution:

Consell Superior de la Justícia

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 62, 63 and 64

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

66) Are the courts required to prepare an annual activity report?

- Yes
 No

67) Do you have a regular monitoring system of court activities concerning the:

- number of incoming cases?
 number of decisions?
 number of postponed cases?
 length of proceedings (timeframes)?
 other?

Please specify:

Une fois par an mais le CSJ peut demander ces renseignements aux présidents de juridictions quand il le croit nécessaire.

68) Do you have a regular system to evaluate the performance of each court?

- Yes
 No

Please specify:

69) Concerning court activities, have you defined performance indicators?

- Yes
 No

70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.

- Incoming cases
 Length of proceedings (timeframes)
 Closed cases
 Pending cases and backlogs
 Productivity of judges and court staff
 Percentage of cases that are treated by a single sitting judge
 The enforcement of penal decisions
 Satisfaction of employees of the courts
 Satisfaction of clients (regarding the services delivered by the courts)
 Judicial and organisational quality of the courts
 The costs of the judicial procedures
 Other

Please specify:

71) Are there performance targets defined for individual judges?

- Yes
 No

72) Are there performance targets defined at the level of the courts?

- Yes
 No

73) Please specify who is responsible for setting the targets:

- executive power (for example the Ministry of Justice)
 legislative power
 judicial power (for example a High Judicial Council or a Higher Court)
 other

Please specify

74) Please specify the main targets applied:**75) Which authority is responsible for the evaluation of the performances of the courts:**

- the High Council of judiciary
 the Ministry of Justice
 an Inspection authority
 the Supreme Court
 an external audit body
 other?

Other, please specify:

CSJ L'article 89 de la Constitution précise que le CSJ en tant que organe de

représentation, gouvernement et administration de l'organisation judiciaire veille sur l'indépendance et le bon fonctionnement de la justice. Donc dans cette fonction de veille sur le bon fonctionnement le CSJ peut demander des informations d'évaluation. L'article 41 de la LOJ: En commençant l'année judiciaire, aura lieu l'acte solennel de rentrée dans lequel le Président du CSJ présentera le mémoire sur l'Etat et le fonctionnement de l'Administration de Justice. Le Procureur Général présentera aussi un mémoire annuel de son activité exposant son critère sur l'évolution de la criminalité et sur la prévention.

76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- Yes
 No

If yes, please specify:

Malheureusement il faut reconnaître nos statistiques ne se soucient que de critères quantitatifs.

77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

- Yes
 No

78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:

- civil cases?
 criminal cases?
 administrative cases?

79) Do you have a way of analysing waiting time during court procedures?

- Yes
 No

If yes, please specify:

Mais notre système informatique le permettrait, c'est une question que l'on pourrait débattre très prochainement.

80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
 No

Please specify (including an indication of the frequency of the evaluation):

81) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- Yes
 No

If yes, please specify:

Il existe un outil statistique qui permet de mesurer notamment le nombre de rapports global ainsi que le nombre de rapports et /ou d'autres activités (audiences, procédures rapides...) du Ministère Public.

Par ailleurs, le Ministère Public est tenu, de par la loi, d'exposer au début de chaque année judiciaire, début octobre, un rapport global et public sur son activité de l'année écoulée et son analyse des évolutions de la délinquance ainsi que du traitement judiciaire de celle-ci

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

Please indicate the sources for the the question 70,71, 72 and 76

CSJ et Ministère Public

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?

6,3%

83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

- Yes
 No

If possible, number of successful challenges (in a year):

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)				
Civil proceedings - Article 6§1 (non-execution)				
Criminal proceedings - Article 6§1 (duration)				

Please indicate the sources for the questions 82 and 84

Au courant de l'année 2006 5 affaires ont été introduites devant la Cour et en 2007 3 de plus mais sur ces 8 affaires aucune ne concerne la durée de la procédure ou la non exécution.

4. 2. Timeframes of proceedings

4. 2. 1. General information

85) Are there specific procedures for urgent matters as regards:

- civil cases?
 criminal cases?
 administrative cases?

If yes, please specify:

En 2007, a été adopté un texte pour l'injonction de payer en matière civile.
 En matière pénale il s'agit de la procédure de l'ordonnance pénale

86) Are there simplified procedures for:

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

87) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
- No

If yes, please specify:

4. 2. 2. Penal, civil and administrative law cases

88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil,				

commercial and administrative law cases (1-7)	3299	3321	3266	3354
1 Civil (and commercial) litigious cases*	1621	1321	1177	1765
2 Civil (and commercial) non-litigious cases*	51	451	446	56
3 Enforcement cases	1524	1378	1461	1441
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	103	171	182	92
7 Other				
Total criminal cases (8+9)				
8 Criminal cases (severe criminal offences)	240	188	228	200
9 Misdemeanour cases (minor offences)	383	544	456	246

89) * The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".

Explanation

Le code pénal andorran fait une distinction fondamentale entre les délits majeurs, les délits mineurs et contraventions pénales (petites infractions). Nous avons inclus dans le concept "affaires graves" les délits majeurs auxquels le code pénal andorran prévoit une peine allant jusqu'à 25 ans de prison et dans le concept "petites infractions" les délits mineurs auxquels le code pénal andorran prévoit jusqu'à 2 ans de prisons et les contraventions pénales (petites infractions).

90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)		372	267	
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)				
8 Criminal cases (Severe criminal offences)	8	51	45	14
9 Misdemeanour cases (minor)	39	119	110	64

offences)				
-----------	--	--	--	--

91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)				
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)				
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases				
Employment dismissal cases				
Robbery cases		19		
Intentional homicide case		1		

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases					
Employment dismissal cases					
Robbery cases					
Intentional homicide					

94) Where appropriate, please specify the specific procedure as regards divorce:

95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)

96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation?
- to conduct investigation?
- when necessary, to demand investigation measures from the judge?
- to charge?
- to present the case in the court?
- to propose a sentence to the judge?
- to appeal?
- to supervise the enforcement procedure?
- to end the case by dropping it without the need for a judicial decision?
- to end the case by imposing or negotiating a penalty without a judicial decision?
- other significant powers?

Please specify:

En Andorre le Procureur n'a pas l'opportunité des poursuites. Le Ministère Public peut examiner des plaintes présentées autant par des organismes institutionnels que par des particuliers. L'ensemble de plaintes présentées est examiné par le Ministère Public, qui peut ordonner une enquête préliminaire . Si le Ministère Public considère que les faits sont susceptibles de recevoir une qualification pénale il transmet le dossier à la Batllia (juge d'instruction) qui poursuit l'affaire, dans le cas où le procureur considère que l'affaire ne constitue pas une infraction pénale il classe lui même la plainte, en communiquant au plaignant la decision adoptée.

97) Does the prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

Le Procureur intervient obligatoirement dans toutes les procédures civiles lorsque sont concernés mineurs , absents, incapables ou personnes qui necessitent une protection. Il intervient également dans les affaires relativesà la filiationainsi qu'à l'equatur.

98) Functions of the public prosecutor in relation to criminal cases – please complete this table:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
--	-----------------------------------	--	---	---	--	--

			legal situation			
Total number of 1st instance criminal cases	36					21

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

L'organisation judiciaire andorrane ne connaît pas d'une troisième instance juridictionnelle ordinaire. Cependant le Tribunal CONstitutionnel peut être saisi in fine sur la base des atteintes aux droits fondamentaux.

Please indicate the sources for the questions 92 to 94 and question 98

Fiscalia General (Procureure général) pour les données qui concerne la matière pénale.

Nous n'avons encore pas reçu toutes les données concernant la juridiction de première instance.

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of judges only?
- an authority composed of non-judges only?
- an authority composed of judges and non-judges?

101) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for promoting judges:

102) Which procedures and criteria are used for promoting judges? (please specify).

103) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of prosecutors only?
- an authority composed of non-prosecutors only?
- an authority composed of prosecutors and non-prosecutors?

105) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors.

106) Which procedures and criteria are used for promoting prosecutors (please specify)

Actuellement c'est le Consell Supérieur qui possède cette compétence.

107) Is the mandate given for an undetermined period for judges ?

- Yes
 No

Are there exceptions? Please specify:

108) Is the mandate given for an undetermined period for prosecutors?

- Yes
 No

Are there exceptions? Please specify:

109) If no, what is the length of the mandate?**Is it renewable?**

for judges

yes, please
specify the length 6 ans

for prosecutors

yes, please
specify the length 6 ans

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

Les juges sont nommés par un organisme indépendant le Consell Superior de la Justícia celui-ci comprend 5 membres. La sélection des juges de première instance se fait par concours public parmi des candidats de nationalité andorrane qui doivent posséder obligatoirement la maîtrise en droit ou diplôme équivalent. Les épreuves sont notées par des Magistrats du Tribunal Supérieur de la Justice. Et le Consell Superior de la Justícia nomme le candidat à juge qui à la meilleure note globale. Pour les Procureurs ils sont recrutés sur la même méthode mais c'est le gouvernement qui les propose et c'est le Consell Superior de la Justícia qui les nomme.

La formation initiale prévoit des stages dans des tribunaux de 1ère. instance français et/ou espagnols. La formation continue est possible grâce à la possibilité que nous offre aussi bien l'Ecole Nationale de la Magistrature en France que l'Escuela nacional del Poder Judicial en Espagne ou encore les centres d'études juridiques de Catalogne.

Une large réflexion est actuellement en cours afin d'instituer un statut des magistrats et des procureurs pour supprimer la durée déterminée des mandats.

5. 1. 2. Training

110) Nature of the training of judges.**Is it compulsory?**

- Initial training
- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president, court managers)
- In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for specialised judicial functions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

112) Nature of the training of prosecutors.**Is it compulsory?**

- Initial training
- General in-service training
- Specialised in-service training (e.g. specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

Une réflexion est aussi en cours sur la possibilité de bien établir une planification de la formation initiale. Par ailleurs la formation continue est largement suivie et consiste à 2 ou 3 semaines de formation par an, soit en France et /ou en Espagne.

5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	67581,28	63526,40
Judge of the Supreme Court or the Highest Appellate Court	36429,77	34243,99
Public prosecutor at the beginning of his/her career	67581,28	63526,40
Public prosecutor of the Supreme Court or the Highest Appellate Instance	100100,00	93999,9

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input type="checkbox"/>	<input type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input type="checkbox"/>	<input type="checkbox"/>

116) If other financial benefit, please specify:

117) Can judges combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

118) If other function, please specify:

119) Can prosecutors combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

120) If other function, please specify:

121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

- Yes
 No

If yes, please specify:

Please indicate the source for the question 114

Consell Superior de la Justícia

5. 2. 2. Disciplinary procedures

122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

Le Consell Superior de la Justícia

123) Which authority has the disciplinary power on judges and prosecutors? Please specify:

Le Consell Superior de la Justícia

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)	0	0
1. Breach of professional ethics	0	0
2. Criminal offence	0	0
3. Professional inadequacy	0	0
4. Other		

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)	0	0
1. Reprimand		
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		
9. Other		

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

La responsabilité disciplinaire des juges sera exigée par le CSJ moyennant l'instruction d'un dossier disciplinaire ouvert sur l'initiative du CSJ, à la demande de la personne intéressée, d'un citoyen connaisseur des faits, du Ministère Public ou du Président du Tribunal compétent. Lorsque le CSJ aura accordé l'ouverture d'un dossier disciplinaire, il désignera un de ses membres comme instructeur. La procédure jusqu'à la décision ne peut durer plus de 3 mois. L'instructeur pratiquera toutes les preuves tendant à éclaircir les faits et à déterminer les responsabilités, formulera les charges, et en donnera connaissance au Ministère Public et à l'intéressé.

Le Ministère public rendra son rapport dans les 8 jours dans lequel il pourra demander que d'autres preuves soient acceptées. Même procédure pour l'intéressé. L'instructeur décidera sur la pertinence des preuves proposées et disposera leur pratique. Pratiquées les preuves admises, l'instructeur déposera le dossier devant le CSJ. Lequel après avoir entendu l'intéressé rendra sa décision définitive. La décision n'est pas susceptible d'une révision juridictionnelle. Sont considérées fautes très graves: l'infraction aux incompatibilités, l'ignorance inexcusable des lois et des procédures et comme fautes graves, le manque d'assistances injustifiées ou répétées aux audiences publiques.

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

126) Total number of lawyers practising in your country

132

127) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

- Yes
 No

128) Number of legal advisors?

0

129) Do lawyers have a monopoly of representation:

- Civil cases*
 Criminal cases - Defendant*
 Criminal cases - Victim*
 Administrative cases*

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

130) Is the lawyer profession organised through:

- a national Bar?
 a regional Bar?
 a local Bar?

Please specify:

Col.legi d'Advocats d'Andorra (Ordre des avocats andorrans)

Please indicate the source for the question 126

Col.legi d'advocats d'Andorra

6. 1. 2. Training

131) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
- No

132) Is there a mandatory general system for lawyers requiring continuing professional training?

- Yes
- No

133) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

- Yes
- No

If yes, please specify:

6. 1. 3. Fees

134) Can users establish easily what the lawyers' fees will be?

- Yes
- No

135) Are lawyers fees:

- regulated by law?
- regulated by the Bar association?
- freely negotiated?

6. 2. Evaluation**6. 2. 1. Complaints and sanctions****136) Have quality standards been formulated for lawyers?**

- Yes
- No

137) If yes, who is responsible for formulating these quality standards:

- the Bar association?
- the legislature?
- other?

Please specify (including a description of the quality criteria used):

138) Is it possible to complain about :

- the performance of lawyers?
- the amount of fees?

Please specify:

139) Which authority is responsible for disciplinary procedures:

- the judge?
- the Ministry of Justice?
- a professional authority or other?

Please specify:

L'ordre des avocats

140) Disciplinary proceedings and sanctions against lawyers:**Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	0	0	0	0

141) Disciplinary proceedings and sanctions against lawyers:**Sanctions pronounced**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	0	0	0	0	0

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

Le barreau compte avec un bâtonnier, un secrétaire, un trésorier et 4 membres.

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

143) Is there a possibility to receive legal aid for mediation procedures?

Yes

No

If yes, please specify:

144) Can you provide information about the number of accredited mediators?

Yes

No

If yes, please provide the number of mediators:

145) Can you provide information about the total number of judicial mediation procedures concerning:

civil cases?

yes,
number:

family cases?

yes,
number:

administrative cases?

yes,
number:

employment dismissals?

yes,
number:

criminal cases?

yes,
number:

Please indicate the source for the question 145

Nous ne disposons d'aucun système de modes alternatifs de règlement des litiges.

7. 1. 2. Other forms of alternative dispute resolution

146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:

0

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

147) Number of enforcement agents

5

148) Are enforcement agents:

- judges?
- bailiff practising as private profession ruled by public authorities?
- bailiff working in a public institution?
- other enforcement agents?

Please specify their status:

Ce sont des fonctionnaires faisant partie des effectifs de l'Administration de la justice sous l'autorité du juge rapporteur en première instance.

149) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
- No

150) Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

151) Can users establish easily what the fees of the enforcement agents will be?

- Yes
- No

152) Are enforcement fees:

regulated by law?

freely negotiated?

Please indicate the source for the question 147

8. 1. 2. Supervision

153) Is there a body entrusted with the supervision and the control of the enforcement agents?

Yes

No

154) Which authority is responsible for the supervision and the control of enforcement agents:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

Le juge rapporteur de l'affaire civile en première instance

155) Have quality standards been formulated for enforcement agents?

Yes

No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- Yes
 No

If yes, please specify:

Please indicate the sources for the questions 155 and 156

CSJ

8. 1. 3. Complaints and sanctions

157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)

- no execution at all?
 non execution of court decisions against public authorities?
 lack of information?
 excessive length?
 unlawful practices?
 insufficient supervision?
 excessive cost?
 other?

Please specify:

Absence de toute exécution car débiteur insolvent ou ne résidant plus dans la Principauté.

Pour ce qui est de la durée excessive souvent le débiteur qui n'est pas insolvent s'exécute de façon fractionnée qui selon la somme due peut se prolonger dans le temps.

158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
 No

If yes, please specify:

159) Is there a system measuring the timeframes of the enforcement of decisions:

- for civil cases?
 for administrative cases?

160) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- between 1 and 5 days
 between 6 and 10 days
 between 11 and 30 days
 more

Please specify:

161) Disciplinary proceedings initiated against enforcement agents:

- | | |
|-------------------------------|--|
| Breach of professional ethics | <input type="checkbox"/> yes,
number: |
| Professional inadequacy | <input type="checkbox"/> yes,
number: |
| Criminal offence | <input type="checkbox"/> yes,
number: |
| Other | <input type="checkbox"/> yes,
number: |

162) Sanctions pronounced against enforcement agents:

Reprimand	<input type="checkbox"/> yes, number:
Suspension	<input type="checkbox"/> yes, number:
Dismissal	<input type="checkbox"/> yes, number:
Fine	<input type="checkbox"/> yes, number:
Other	<input type="checkbox"/> yes, number:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

La signification du procès verbal d'exécution se fait de façon presque immédiate après la demande du créateur, Mais l'exécution postérieure dépend beaucoup de la situation économique du débiteur et de son patrimoine.

Please indicate the sources for the questions 157 and 160

CSJ

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

163) Is there a judge who is in charge of the enforcement of judgments?

- Yes
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

Il s'agit du rapporteur du jugement de première instance pour les contraventions pénales et les délits mineurs (Batllia d'Andorra). Pour ce qui est des délits majeurs (crimes) la compétence revient au Tribunal de Corts qui juge en première instance ce genre de délits.

164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

- Yes
 No

If yes, please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

165) Do you have notaries in your country? If no, go to question 170.

- Yes
 No

166) Is the status of notaries:

- | | | |
|---|---|---|
| a private one (without control from public authorities)? | <input type="checkbox"/> yes, number: | |
| a status of private worker ruled by the public authorities? | <input type="checkbox"/> yes, number: | |
| a public one? | <input checked="" type="checkbox"/> yes, number: | 4 |
| other? | <input type="checkbox"/> yes, number and specify: | |

167) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

Please specify:

Selon la loi 8-11-98 le notaire est un professionnel du droit investit de fonction publique qui de conformité avec les dispositions légales en vigueur, a l'autotité pour authentifier des contrats et autres actes extrajudiciares, en conservant leurs protocoles et en expédiant les copies.

Please indicacte the source for the question 166

Bulletin officiel de la Principauté d'Andorre

9. 1. 2. Supervision

168) Is there an authority entrusted with the supervision and the control of the notaries?

- Yes
 No

169) Which authority is responsible for the supervision and the control of the notaries:

- a professional body?
 the judge?
 the Ministry of Justice?
 the prosecutor?
 other?

Please specify:

Il en existe plusieurs: 1) Selon l'article 12 de la loi du notariat "dans la première semaine de chaque mois, les notaires présentent au juge Président un index, en double exemplaire des instruments autorisée durant le mois précédent, dans lequel figure le numéro du protocole, la date, les noms des parties octroyantes, l'objet de l'acte ou contrat et le nombre de pages, pour qu'il soit tamponné et visé. Il en conserve un exemplaire et l'autre est déposé à la chambre des notaires."

En plus l'article 3-4 de la même loi rappelle que la négative du notaire de prêter ses services, sans cause justifiée ou la réalisation d'actes contraires à la présente loi donne droit à l'intéressé à formuler une demande juridictionnelle en réclamation de dommages intérêts et à la dépuración de responsabilités devant la section administrative du tribunal de première instance (Batllia). Egalement la personne qui se sent lésée par le refus peut solliciter et obtenir en urgence une déclaration judiciare qui oblige le notaire à octroyer l'acte pour lequel il a été requis. La procédure sera urgente et préférentielle.

2) Parmi les fonctions attribuées à la Chambre des Notaires figure celle de "... réguler la déontologie et la discipline de la profession, ou encore celle de veiller pour l'application du barème des honoraires rémunérateurs. Aussi contre la négative du notaire de livrer les copies il y a lieu à un recours devant la même Chambre qui épuise la voie administrative préalable.

3) Leur nomination incombe au gouvernement.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.

- 1) Modification de la Loi Qualifiée de la Justice qui définit un système qui n'est pas tout à fait flexible.
- 2) Travail sur la préparation d'un cadre législatif qui gèrerait la carrière judiciaire de nos juges, leur statut, leur formation, leur avancement...
- 3) Réadapter toute la procédure civile en introduisant le référé, l'injonction de payer (qui est déjà une réalité pour les demandes jusqu'à 3000.00 €, en créant la fonction d'huissier pour l'exécution civile, en prévoyant peut être des modes alternatifs de règlement des conflits...
- 4) travail sur l'indépendance budgétaire de l'Administration de la Justice